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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

JANET GARCIA, et at.,

Plaintiff(s),

vs.

CITY OF LOS ANGELES, et al.,

Defendant.

CASE NO. 2:19-cv-06182-DSF-PLA

Assigned to Judge Dale S. Fischer

**PLAINTIFFS' RESPONSE TO
DEFENDANT'S OBJECTION
AND REQUEST TO STRIKE
UNTIMELY PLEADINGS**

Date: September 21, 2020
Time: 1:30 p.m.
Ctrm: 7D

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28 *Peter Diocson Jr., Marquis Ashley, and Ali El-Bey.*

1 **PLAINTIFFS' RESPONSE TO DEFENDANT'S OBJECTION AND REQUEST**
2 **TO STRIKE UNTIMELY PLEADINGS**

3 Plaintiffs respectfully request that this Court deny Defendant's request to strike
4 and deem their reply filed as of September 8, 2020.

5 Plaintiffs filed their application for order to show cause for contempt on August
6 17, 2020 and originally noticed the hearing for September 14, 2020. Plaintiffs then re-
7 noticed the hearing for September 21, 2020, which extended Defendant's opposition
8 deadline by a week. Based on the new hearing date, Plaintiffs' reply would normally
9 have fallen on September 7, 2020, which was Labor Day. In re-calendaring the date
10 for the reply, Plaintiffs reviewed this Court's standing order and understood the
11 reference to holidays as applying to both oppositions and replies. Plaintiffs thus
12 calendared the due date for September 8, 2020. Defendant now objects that the reply
13 brief was due on September 4, 2020.

14 Plaintiffs' opposition brief to the Ninth Circuit was due on September 4, 2020.
15 In addition to the opposition to Defendant's Motion for Judgment on the Pleadings,
16 which was due on August 24, 2020, Plaintiffs have also been addressing continued
17 issues related to the resumption of comprehensive cleanups of homeless encampments
18 and have been responding to multiple sets of discovery propounded by Defendant in
19 mid August. In the rush of filings, Plaintiffs hope that the Court will view any
20 misreading of her standing order and resulting late filing as excusable neglect, *see*
21 *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1255 (2010). Plaintiffs filed
22 consistent with their understanding of the order and delayed only one business day.
23 Defendant has not articulated any prejudice as a result. To the extent Plaintiffs' filing
24 date has caused any undue burden to this Court, Plaintiffs respectfully request the
25 Court deny Defendant's request to strike and instead move the hearing date to
26 September 28, 2020.
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1 Dated: September 11, 2020

Respectfully submitted,

2 LEGAL AID FOUNDATION OF LOS ANGELES

3 /s/ Shayla Myers

4 By: Shayla Myers

5 *Attorneys for Plaintiffs*

6 SCHONBRUN SEPLOW HARRIS HOFFMAN &
7 ZELDES LLP

8 /s/ Catherine Sweetser

9 By: Catherine Sweetser

10 *Attorneys for Plaintiffs*

11 KIRKLAND & ELLIS LLP

12 /s/ Benjamin Allen Herbert

13 By: Benjamin Allen Herbert

14 *Attorneys for Plaintiffs*

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18 **LOCAL RULE 5-4.3.4 ATTESTATION**

19
20 I attest that Plaintiffs' counsel, Benjamin Herbert and Shayla Myers, concur in
21 this filing's content and has authorized the filing.

22 DATED: September 11, 2020 SCHONBRUN SEPLOW HARRIS HOFFMAN &
23 ZELDES LLP

24
25 /s/ Catherine Sweetser

26 By: Catherine Sweetser

27 *Attorneys for All Plaintiffs*